

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

In re

KIMBERLY A. SCHATZ,

Debtor.

Case No. 19-52465 SLJ

Chapter 7

**NOTICE OF ABANDONMENT OF REAL  
PROPERTY AND FORECLOSURE  
PROCEEDS**

Judge: Stephen L. Johnson

Date: (No Hearing Required Unless Objection  
Filed)

**TO: THE DEBTOR, ALL CREDITORS AND OTHER PARTIES IN INTEREST:**

**PLEASE TAKE NOTICE** that Doris Kaelin, Chapter 7 Trustee of the above-named Debtor ("Trustee"), intends to abandon and hereby does abandon the estate's interest in the real property located at 4939 Arundel Court, San Jose, CA 95136 ("Real Property") and the proceeds in the amount of approximately \$88,625 remaining from the pre-petition foreclosure of the real property located at 2863 Quinto Way, San Jose, CA 95124 and currently held by the Santa Clara Superior Court ("Proceeds").

Trustee intends to abandon the estate's interest in the Real Property and the Proceeds pursuant to 11 U.S.C. section 554. Trustee is informed and believes that the Real Property and Proceeds both have no equity for the benefit of creditors, are burdensome to the estate and of inconsequential value. Trustee believes it is in the best interest of creditors and the estate that the Real Property and the Proceeds be abandoned.

The Real Property is the Debtor's residence. The Trustee's real estate agent provided an estimate of \$1,050,000 as the approximate value of the Real Property. There are two liens recorded against the Real Property, a mortgage in the current amount of approximately \$964,419, and a judgment lien held by John Perkins in the amount of approximately \$205,638. The Debtor has also asserted a homestead exemption in the amount of \$100,000. After accounting for the liens and exemption, as well as hypothetical costs of sale, there is no equity in the Real Property for the benefit of the estate.

The Proceeds are also subject to the lien held by John Perkins. Mr. Perkins levied against the Proceeds prior to the filing of the Debtor's petition but due to a conflict between the order entered in connection with an appeal in connection with an earlier attorney fee lien asserted by Mr. Perkins against the Proceeds and the execution lien on account of the later judgment entered in favor of Mr. Perkins, the Superior Court ordered the Proceeds to be deposited with the Superior Court. After review of the judgment and lien asserted by Mr. Perkins against the Proceeds, it appears that the Proceeds are subject to the lien which exceeds the amount of the Proceeds and so there is no equity in the Proceeds for the benefit of the estate.

Any person wishing to object to the abandonment, or request a hearing thereon is referred to Bankruptcy Rule 6007 and Bankruptcy Local Rule 9014-1 of the United States Bankruptcy Court for the Northern District of California. Any objection or request for a hearing must be filed with the United States Bankruptcy Court and served on the Trustee **within fourteen (14) days** of the mailing of this Notice. Any objection or request for a hearing must be accompanied by any declarations or memoranda of law the objecting or requesting party wishes to present in support of its position. If no timely objection or request for a hearing on the abandonment is made, an order may be entered by the Court authorizing the abandonment. If a timely objection or request for hearing is made, a hearing will be set on not less than 7 days' written notice to the objecting or requesting party.

Due to the Covid 19 outbreak, the following are the procedures for filing a document with the Court: The court will continue accepting filings through ECF. For filings by pro se parties (individuals without an attorney) or individuals not registered for ECF, the court will accept documents for filing by email, mail, or court drop-box.

Filing by Email: Pleadings to be filed by email should be sent to [CANB-EMERGENCY-FILINGS@canb.uscourts.gov](mailto:CANB-EMERGENCY-FILINGS@canb.uscourts.gov). Any document to be filed by email should be in PDF format and include the case name, case number, title of pleading, statement of relief requested, and signed. **Registered ECF filers should not submit filings by email.**

Filing by Mail: Pleadings and filing fee payments may be sent by U.S. Mail to: United States Bankruptcy Court, 450 Golden Gate Avenue, Mail Box 36099, San Francisco, CA 94102. Any document to be filed by mail should include the case name, case number, title of pleading, statement of relief requested and be signed.

Filing by Drop-Box: Pleadings and filing fee payments may be deposited into a drop-box available in two locations: 1) at the San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco. Access to the building is through the Turk St. entrance from 6 a.m. to 6 p.m. Individuals need valid government issued identification to enter the building. A date stamp machine is provided with the drop-box. Documents will be retrieved and processed up twice a week; 2) at the San Jose Federal Courthouse, which is located at 280 South First Street, San Jose, CA. Access to the building is between 6 a.m. to 6 p.m. Monday-Friday (excluding federal holidays). Individuals need valid government issued identification to enter the building. A date stamp machine is provided next to the drop-box and documents will be retrieved and processed twice a week.

DATED: June 17, 2020

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Sandi M. Colabianchi  
Sandi M. Colabianchi

Attorneys for Doris Kaelin, Chapter 7 Trustee

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